

Minutes of: PLANNING COMMISSION
Time of Meeting: 6:00 P.M.
Date of Meeting: July 19, 2006
Place of Meeting: COUNCIL CHAMBERS

CALL TO ORDER

Planning Commission Chairperson Montgomery called the Regular Meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Baker led the Pledge of Allegiance.

ROLL CALL

Present: Chairperson Montgomery, Commissioners Whitton, Segall, Heineman, Dominguez, Cardosa, and Baker

Staff Present: Don Neu, Assistant Planning Director
Jane Mobaldi, Assistant City Attorney
Barbara Kennedy, Associate Planner
Van Lynch, Senior Planner
Jessica Galloway, Associate Planner
Pam Drew, Assistant Planner
Bob Wojcik, Deputy City Engineer

APPROVAL OF MINUTES

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, to approve the minutes of the Regular Meeting of June 7, 2006.
VOTE: 6-0
AYES: Chairperson Montgomery, Commissioners Baker, Cardosa, Dominguez, Segall and Whitton
NOES: None
ABSTAIN: Commissioner Heineman

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, to approve the minutes of the Regular Meeting of June 21, 2006, with corrections noted by Commissioners Whitton and Segall.
VOTE: 7-0
AYES: Chairperson Montgomery, Commissioners Baker, Cardosa, Dominguez, Heineman, Segall and Whitton
NOES: None

Chairperson Montgomery directed everyone's attention to the slide on the screen to review the procedures the Commission would be following for that evening's Public Hearing.

PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

None.

PUBLIC HEARINGS

Chairperson Montgomery opened the Public Hearing and asked Assistant Planning Director Don Neu to introduce the first item.

1. **MP 98-01(F)/CUP 05-03/PUD 06-01/SUP 05-02 – VLC GREENS RV STORAGE SITE** – Request for a determination that the project is within the scope of the previously certified Villages of La Costa Master Plan Final Program EIR and that the Program EIR adequately describes the activity for the purposes of CEQA; and a request for approval of a Minor Master Plan Amendment, Conditional Use Permit, Planned Development Permit, and Special Use Permit to allow for the relocation and construction of a common recreational vehicle storage area within Neighborhood 1.3 and transfer 4 dwelling units from neighborhood 1.16 to 1.3 of the Greens in the Villages of La Costa Master Plan on property generally located east of El Camino Real and south of Camino Vida Roble in Local Facilities Management Zone 10.

Mr. Neu introduced Agenda Item 1 and stated Associate Planner Barbara Kennedy would make the staff presentation.

Ms. Kennedy gave the staff presentation and stated she would be available to answer any questions. Ms. Kennedy noted that several letters of opposition were received and that those had been distributed to the Planning Commission.

Chairperson Montgomery asked if there were any questions of staff.

Commissioner Dominguez asked Ms. Kennedy to point out the adjacent property owners' site referenced in the correspondence received by the Planning Commission earlier that evening and asked if the site was owned by multiple parties. Ms. Kennedy pointed out the long narrow site and stated yes, there were multiple owners of the property, but she was not sure how many.

Commissioner Segall asked Ms. Kennedy to point out the original approved site for the RV storage. Ms. Kennedy pointed out the original approved site and explained how there was not enough square footage for the RV storage site in the original area due to the 50-foot setback from El Camino Real and the proposed road. Ms. Kennedy stated the new proposed site would be back from El Camino Real by approximately 110 – 140 feet and would be less visible from El Camino Real.

Commissioner Segall asked if the adjacent property in question was contiguous to the original RV storage site. Ms. Kennedy replied yes.

Commissioner Segall asked if the Planning Commission had the ability to approve moving the site if the original site did not work. Ms. Kennedy replied yes.

Commissioner Baker asked what the zoning was for the adjacent property to the RV Storage site. Ms. Kennedy replied the property's general plan designation is RLM which is Residential Low-Medium and the zoning is E-A-Q which is Exclusive Agriculture.

Commissioner Baker asked since there is a 50-foot setback requirement off El Camino Real, how much of the adjacent property would be developable. Ms. Kennedy stated the property is highly constrained and subject to setback requirements which did not leave a lot of area left for development. Ms. Kennedy stated the owners indicated they may want to develop medical offices which would require a new general plan designation and rezoning.

Chairperson Montgomery asked if the applicant would like to make a presentation.

Jack Henthorn, 5365 Avenida Encinas, Carlsbad gave a presentation and stated he would be available to answer questions.

Chairperson Segall asked the applicant to describe the wall between the RV storage site and the adjacent property. The applicant explained there would be a bottom plantable wall which will be planted with vines and shrubbery, an additional 8 foot landscaped area between the plantable wall and the screening wall to the RV storage area where the 24-inch box trees and shrubbery and screening material would be located. Commissioner Segall asked how tall the screening wall would be. The applicant stated the wall would be 8 feet at the top which is the City's requirement for RV storage sites.

Commissioner Whitton asked the applicant to point out the area in the RV storage site where the RV size would be restricted.

Commissioner Whitton asked if there would be a deceleration lane on El Camino Real for the RVs to utilize when pulling off to the storage site. The applicant stated the entrance to the site is off the main entry to the neighborhood to the south. Commissioner Whitton asked how wide the street off of El Camino Real was. The applicant stated the road was 40 feet wide. Commissioner Whitton stated a deceleration lane or additional room may be necessary for the RVs to turn without impeding traffic on El Camino Real. The applicant stated the condition was an interim condition and when the residential component came in, there would be additional circulation from the north which would include a signalized intersection at Camino Vida Roble for the main access and it would provide enough room for acceleration and deceleration.

Commissioner Baker asked if the signalized intersection to the north was an existing intersection. The applicant stated the intersection is currently signalized and would be modified to be a full intersection.

Commissioner Baker asked if the RV storage unit would be incorporated into the neighborhood with homes built near the site. The applicant replied yes and the residential units would use the same road for access.

Commissioner Segall asked if the southern road was being used on a temporary basis but the intent of the road would be for residential access. The applicant replied yes the road would continue to the north to Camino Vida Roble. Commissioner Segall asked when the top road would be developed. The applicant replied by the end of next year.

Chairperson Montgomery asked if the RV size restriction should be specified in more detail. The applicant stated the dimension of the spaces would limit the length of the vehicle using the space. Ms. Kennedy stated it looked like the length of the spaces was less than 24 feet. Chairperson Montgomery stated restricting the size to less than 24 feet brought the usage down to van cab RVs or long trailers.

Chairperson Montgomery asked Ms. Kennedy if the Planning Commission could specify the size restriction in more detail. Ms. Kennedy stated the only way to regulate this is by virtue of the size of the spaces.

Commissioner Dominguez stated to avoid problems in the future and since the RV industry is constantly changing, a more detailed specification of the size restriction would aid in future enforcement.

Assistant City Attorney Jane Mobaldi stated the size restriction could be specified as a condition of the Conditional Use Permit approval.

Commissioner Whitton asked if an HOA would be managing the RV storage and if the parameters would be listed as part of the CC&Rs. The applicant replied yes to both questions.

Commissioner Segall asked what the purpose was of a visitor parking space in an RV storage site. Ms. Kennedy stated it was a code requirement to have visitor parking spaces and the spaces were generally used by the owners of the RVs when visiting the site.

Chairperson Montgomery thanked staff and opened public testimony.

Kenneth Snyder, 245 Chapalita Drive, Encinitas stated he was representing the owners of the parcel adjacent to the proposed RV site. Mr. Snyder stated the owners would like the project to be continued in order to allow them more time to investigate the project and to provide their feedback.

Chairperson Montgomery stated the owners are opposed to the project based on their previous correspondence stating the RV storage site is detrimental to their property.

Mr. Snyder stated the adjacent property owners do not want the sale of their property jeopardized and would prefer to have adjacent houses rather than a parking area for a RV Storage site.

Chairperson Montgomery asked Mr. Snyder if the owners had considered the walls or landscape screening. Mr. Snyder said they had not received any data and would like to see what was proposed and provide their comments.

Commissioner Segall asked staff when the adjacent property owners would have received the notice and if they had attempted to contact staff. Ms. Kennedy stated the property owners were noticed by the City's standard 10-day notice, she received a correspondence from the adjacent property owners on the afternoon prior to the Planning Commission meeting and she immediately contacted Mr. Snyder. Commissioner Segall stated the adjacent property owners had 8 days to contact staff before staff received the letter. Ms. Kennedy replied yes.

Mr. Snyder stated the challenges of communication with multiple property owners who are widely spread out and re-stated they would like time to review the plans and provide their comments.

Commissioner Baker asked Ms. Kennedy if there would be the same screening requirements for the RV storage site and houses. Ms. Kennedy replied there would be no screening requirements for homes. Commissioner Baker stated perhaps the adjacent property owners would be better off with the RV Storage site with the City's screening requirements than if there were homes developed. Mr. Snyder stated the property owners felt the opposite is true.

Mark Nocera, Carlsbad, stated he is the prospective buyer of the adjacent property and was concerned the placement of the RV Storage site may have an affect on the development of the property. Mr. Nocera stated he felt dialogue between the property owners and the developers may result in a different solution.

Fred Arbuckle, Morrow Development, stated he was willing to initiate size restrictions on the site and would make sure the restrictions were placed in the CC&Rs. Mr. Arbuckle stated he would be willing to work with the adjacent property owners to discuss the types of trees provided for screening.

Commissioner Whitton stated he thought the applicant implied they had been working with the property owners to the west. The applicant replied yes, they had been working with the property owners with respect to the intersection where the existing traffic light was as there was approximately 2,000 square feet which needed to be acquired to initiate the improvements. The applicant stated the difficulty in communicating with property owners which were widely spread out.

Commissioner Cardoso asked staff if the implementation of the RV storage site would impact the backyard setbacks or the development potential of the adjoining parcel. Ms. Kennedy replied no.

Commissioner Dominguez asked staff to point out where the original RV storage site was located. Ms. Kennedy pointed out the original and proposed site and stated both sites were adjacent to the parcel to the west.

Commissioner Segall asked if the zoning to the adjoining parcel was E-A and was zoned for only agriculture at this point. Ms. Kennedy replied yes.

Commissioner Dominguez asked what the general plan designation was for the adjacent parcel. Ms. Kennedy replied the property is designated RLM which is Low-Medium density Residential and stated in order to use this site for office use, the property owners would have to do a general plan amendment and a zone change.

Chairperson Montgomery closed public testimony.

Chairperson Montgomery stated obviously the adjacent property owners were concerned that the value of their property would be impacted by the new location of the RV storage site whereby the original location of the site was adjacent to a portion of their property which could not be developed anyway. Ms. Kennedy stated she concurred the portion of the property adjacent to the original RV storage site would be too narrow to develop.

Ms. Mobaldi recommended the Planning Commission to make the size restriction a condition of the CUP approval as CC&Rs can be amended at a later date by the HOA.

DISCUSSION

Commissioner Whitton agreed with supporting the plan as it was, supported the amendment to the plans, and disagreed with Mr. Arbuckle's agreement to put the size restrictions in the CC&Rs recognizing that the CC&Rs can be changed and the plans would remain permanent.

Commissioner Segall supported the project and stated he understood the adjacent property owners' concerns but felt it was incumbent upon them to not delay the project since they did get a notice and did not attempt to get the proper information. Commissioner Segall stated if the proposed site for the RV storage was not detrimental to the developer, he did not see how it could be detrimental to the adjacent property owners. He stated it looked like the developer had done enough to screen the project from the scenic corridor and buffer the property line and stated again he supported the project.

Commissioner Heineman stated he concurred with Commissioners Whitton and Segall.

Commissioner Dominguez stated he supported the project but was concerned that the master plan could be amended with a 10-day notice. Commissioner Dominguez stated 10 days was not a very long time particularly with multiple ownerships. Commissioner Dominguez stated the applicant had done an astounding job in trying to protect the view shared by the adjoining properties and felt they were working diligently to provide proper access and stated he felt the applicant was not inflicting any more visual harm on the adjoining property than he was on his own building sites.

Ms. Mobaldi explained the 10-day noticing requirement in local law is derived from the California state Government Code.

Commissioner Cardosa supported the project but would like to see the landscaping to be conditioned through approval of the Planning Director should the adjacent proper owners feel the landscape screening was not adequate.

Commissioner Baker supported the project and felt there would be more landscape screening with the RV park than if there were residential units. Commissioner Baker stated the adjacent property owners did not present any evidence which proved their property would be harmed by the development of the RV storage site.

Chairperson Montgomery supported the project based on the Commissioners' comments.

Commissioner Segall commented on the 10-day noticing period and explained that there were opportunities for people who owned properties to find out what adjacent properties were doing and stated it is a public process that property owners should go through to find out what their neighbors had planned.

Chairperson Montgomery stated the amendment needed to specify the size and asked Ms. Kennedy if the length of the spaces was 24-feet long. Ms. Kennedy said it does not dimension the length of the spaces but the majority of the spaces look as if they were less than 24 feet long. She suggested the size of the RVs could be referenced as "short in length" or "low-profile".

Commissioner Baker asked if it would be prudent to have a height restriction of possibly 8 feet. Ms. Kennedy replied most RVs would be over 8 feet but explained the dense landscaping would eventually be over 8 feet and provide enough screening.

Commissioner Dominguez stated the length of the RV controlled the equation on most of the vehicles and that the shorter RVs usually run smaller in height. Commissioner Dominguez suggested a limited amount of research contacting an RV dealership would be useful in determining the length and height of most RVs and stated he did not feel the Planning Commission could solve the issue from the dais.

Commissioner Segall stated it seemed that boats and trailers might be appropriate since they would be low profile.

Mr. Neu stated one way to address the size restriction would be to specify that the drive aisle needed to remain at 24-feet and the parked RV could not obstruct the drive aisle. The difficulty would be over time RV dimensions would change and the City would prefer to let the HOA manage the storage site.

Chairperson Montgomery stated if they specified the length based on the already specified 24 feet than they would know the HOA could not re-stripe the spaces or re-designate the aisle.

Mr. Neu stated they could state in the plan that the width of the drive aisle needed to remain the same and the width of the spaces could be changed subject to the association's discretion and based on how RV dimensions would change over time.

Commissioner Dominguez stated HOAs tended to change over time and would not leave the City's fate up to an HOA and would suggest having an enforcement capability built into the CUP.

Chairperson Montgomery suggested they state in the amendment that the drive aisle must remain in its location per the site plan and any parking space west of the drive aisle had to be 24 feet in length or less.

Commissioner Whitton suggested wording in the amendment which would state the preference for low-profile vehicles in the spaces west of the drive aisle.

Commissioner Baker suggested conducting more research to arrive at the proper wording.

Ms. Kennedy suggested the following wording: The drive aisle must remain in its original location in the plan and the west side of the RV storage area shall be limited to storage of small RVs which are low-profile and/or less than 24 feet in length.

Chairperson Montgomery asked if the term RV included all vehicles such as boats, motorbikes, etc. Ms. Kennedy replied yes.

Chairperson Montgomery encouraged the applicant to work with the adjoining property owners with regard to the landscaping. The applicant concurred.

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, that the Planning Commission ADOPT Planning Commission Resolutions No. 6130, 6131, 6132 and 6133 APPROVING Minor Master Plan Amendment MP 98-01(F), Conditional Use Permit CUP 05-03, Planned Development Permit PUD 06-01, and Special Use Permit 05-02 based on the findings and subject to the conditions contained therein.

VOTE: 7-0

AYES: Chairperson Montgomery, Commissioners Baker, Cardoso, Dominguez, Heineman, Segall and Whitton

NOES: None

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, that the Planning Commission amend the previous Motion to contain a condition that the drive aisle shall remain in the location as shown on the site plan and the west side of the RV storage area shall be limited to storage of small recreational vehicles which are low-profile and/or less than 24 feet in length.

VOTE: 7-0

AYES: Chairperson Montgomery, Commissioners Baker, Cardoso, Dominguez, Heineman, Segall and Whitton

NOES: None

Chairperson Montgomery closed the Public Hearing on Item 1 and asked Mr. Neu to introduce the next item.

2. GPA 05-15/MP 98-01(G)/SDP 05-18/SUP 05-17 – CARLTAS MEDICAL OFFICE MPA/GPA
– Request for a recommendation of adoption of a Negative Declaration and a recommendation of approval for a General Plan Amendment to change the General Plan

Land Use Element designation from Planned Industrial to Office and a Master Plan Amendment to change the Villages of La Costa Master Plan Land Use and Zoning designations from Planned Industrial to Office and a request for approval of a Site Development Plan and Special Use Permit to develop a 7.68-acre parcel with two 42,500 square foot medical office buildings located on the east side of El Camino Real between Town Garden Lane and Camino Vida Roble in the Greens Neighborhood 1.3 of the Villages of La Costa Master Plan and Local Facilities Management Zone 10.

Mr. Neu introduced Agenda Item 2 and stated Senior Planner Van Lynch would make the staff presentation.

Commissioner Segall recused himself and stepped down from the dais.

Mr. Lynch gave the staff presentation and stated he would be available to answer any questions.

Chairperson Montgomery asked if there were any questions of staff.

Commissioner Whitton stated he was concerned about southbound traffic which would need to make a u-turn to access the medical center off of El Camino Real and the potential traffic hazard this could present on the road. Bob Wojcik Deputy City Engineer referenced the signalized access point on Time Garden Road and stated the intersection would be the main access point for the medical center.

Commissioner Baker asked if the access along the property line would be a street or a driveway and if the access would be used by the day care as well as the medical center. Mr. Wojcik stated the driveway will serve the day care and the medical center.

Chairperson Montgomery asked if the access had a radius on the curbs coming in and out. Mr. Wojcik replied yes.

Chairperson Montgomery asked the applicant if he would like to make a presentation.

Eric Munoz, Hofman Planning Associates, 1500 Pasteur Court, Suite 150, Carlsbad, thanked the commission and staff and made a presentation.

John White, 5600 Avenida Encinas, Carlsbad, thanked the commission and made a presentation.

Chairperson Montgomery asked Mr. White what the likelihood was that the bridge between the two buildings would be built. Mr. White stated building the bridge was more likely than not. Chairperson Montgomery stated the bridge was a nice architectural feature.

Chairperson Montgomery opened public testimony and asked if there was anyone in the audience who would like to speak on Agenda Item 2; seeing none, Chairperson Montgomery closed public testimony.

MOTION

ACTION:	Motion by Commissioner Baker, and duly seconded, that the Planning Commission ADOPT Planning Commission Resolution No. 6125 RECOMMENDING ADOPTION of a Negative Declaration and ADOPT Planning Commission Resolutions No. 6126 and 6127 <u>RECOMMENDING APPROVAL</u> of General Plan Amendment 05-15 and Master Plan Amendment 98-01(G) and ADOPT Planning Commission Resolutions No. 6128 and 6129 <u>APPROVING</u> Site Development Permit 05-18 and Special Use Permit 05-17 based on the findings and subject to the conditions contained therein.
VOTE:	6-0
AYES:	Chairperson Montgomery, Commissioners Baker, Cardosa, Dominguez, Heineman and Whitton
NOES:	None
ABSTAIN:	Commissioner Segall

Chairperson Montgomery thanked the applicant, closed the Public Hearing on Item 2 and asked Mr. Neu to introduce the next item.

3. **CUP 05-26/SUP 06-01 - CHEVRON SERVICE STATION #09-1312** – Request for approval of a Conditional Use Permit CUP 05-26 and Special Use Permit SUP 06-01 to demolish an existing Chevron fuel station and construct a new Chevron fuel station to include a 2,793 square foot convenience market and five fuel pumps on a .71 acre property generally located at the southeast corner of El Camino Real and Haymar Drive in Local Facilities Management Zone 2.

Mr. Neu introduced Agenda Item 3 and stated Associate Planner Jessica Galloway would make the staff presentation.

Ms. Galloway gave the staff presentation and stated she would be available to answer any questions.

Chairperson Montgomery asked if there were any questions of staff; seeing none, Chairperson Montgomery asked the applicant if he would like to make a presentation.

Mike Lucey, Development Coordinator, Chevron, 2940 Inland Empire Boulevard, Suite 104, Ontario thanked staff and gave a presentation.

Commissioner Segall asked if removing the service bay was the current trend of service stations. The applicant replied yes.

Commissioner Segall asked if the pumps were perpendicular to El Camino Real. Ms. Galloway replied yes.

Commissioner Whitton stated it was his understanding that the convenience store would be serving beer and alcoholic beverages. The applicant stated yes, they would be looking into acquiring a license.

Chairperson Montgomery opened public testimony and asked if anyone in the audience would like to speak; seeing none, Chairperson Montgomery closed public testimony.

DISCUSSION

Commissioner Whitton stated he supported the project but did not support the convenience store selling alcoholic beverages to vehicle operators and furthermore stated there were areas nearby available for the purchase of alcoholic beverages.

Commissioner Segall stated he concurred with Commissioner Whitton and had a fundamental problem with selling alcoholic beverages to consumers who are filling up with gas and then driving on the freeway.

Commissioner Heineman stated his support for the project but also questioned why the sale of liquor was necessary at a convenience store.

Ms. Mobaldi stated that the Planning Commission had the authority to prohibit alcohol sales because the project requires a conditional use permit and explained when an application is made for a license, it is reviewed by the police chief and a report is made to the Department of Alcohol and Beverage Control as to the proximity of establishments which are selling off-premises alcohol and whether the site is located next to schools, etc. Therefore, if the planning commission approved the project, there was the potential the applicant would be able to sell alcohol but it would depend on the recommendation of the Chief of Police and then ABC will make their decision accordingly.

Chairperson Montgomery asked Ms. Mobaldi if the Planning Commission had the authority to stipulate the sale of alcohol. Ms. Mobaldi replied yes a motion would need to be made to amend the approval.

Commissioner Whitton stated he would like to see that stipulation.

Chairperson Montgomery asked the commission where they stood on the issue and stated Commissioner Whitton and Segall was in favor of the amendment.

Commissioner Heineman stated he was in favor of the stipulation prohibiting the sale of liquor.

Commissioner Dominguez stated he was neutral and felt he would like the decision to be left to the Chief of Police and the Department of Alcohol and Beverage Control.

Commissioners Cardoso and Baker concurred with Commissioner Dominguez.

Chairperson Montgomery concurred with Commissioners Whitton, Segall and Heineman.

Commissioner Segall asked if the applicant would like to make a comment on the amendment stipulating the sale of liquor at the convenience store.

The applicant explained all employees of the store are certified and educated on the policies of alcohol and beverage sales on a monthly basis, the employees card every person who looks 30 years old or younger, they do not sell single cans, they bag every six pack, the cashier must look at every identification and input the birth date into the register before the transaction can progress, they opposed three-party sales, and had a maximum amount of window space to view the outside activities. The applicant stated they understood a beer and wine license was an important item and stated the average age of customers at convenience stores were between 25 and 44 years old.

Chairperson Montgomery asked Commissioner Heineman if the applicant's response changed his motion. Commissioner Heineman withdrew his motion to stipulate the sale of liquor.

Commissioner Baker stated she understood the distinction between gas and alcohol sales but felt the Police Chief and the Department of Alcohol and Beverage Control were better equipped to make that judgment.

Commissioner Dominguez stated he was opposed to the amendment to restrict the sale of alcohol at the convenience store and stated he did not see the difference between driving to a grocery store and buying alcohol and buying alcohol at a convenience store.

Commissioner Whitton commented he felt it was irresponsible to let people drive up to a gas station, fill up with gas, purchase alcohol and then drive off in a vehicle to do what they want with the alcohol and stated he felt driving to a grocery store would be less convenient and would potentially lessen this type of behavior.

Chairperson Montgomery stated his feelings were based on when they considered the Westmart Fuel Mart and made alcohol findings based on the warrants which showed there were several other area points of sale and their concern with people driving off the freeway, purchasing alcohol, and jumping back on the freeway. Chairperson Montgomery stated his concern was not a moral judgment but rather with this convenience store's close proximity to Interstate 78.

Commissioner Whitton stated he concurred with Chairperson Montgomery and stated he felt individuals who shopped at a Vons or Safeway were shopping for a party or to replenish their home supply and were paying a reasonable price but to pull into a service station and then buy alcoholic beverages does not seem responsible especially since individuals would be paying an inflated price.

Ms. Mobaldi stated the Business and Professions Code regulates gas stations and alcohol sales. It requires certain conditions by law and the law states no city can legislatively prohibit the concurrent retailing of motor vehicle fuel and beer and wine for off-sale consumption in zoning districts where the zoning ordinance allows motor fuel and off-sale beer and wine to be retailed on separate sites. Ms. Mobaldi stated if the commission were to allow a gas station in a certain zone and allow the sale of alcohol by right in a different site in the zone, state law would not allow the Planning Commission to prohibit the concurrent sale. In this case the use is by conditional use permit, which gives the Planning Commission the leeway to say they do not want the sale of alcohol.

MOTION

ACTION: Motion by Commissioner Baker and duly seconded, that the Planning Commission ADOPT Planning Commission Resolutions No. 6136 and 6137 APPROVING Conditional Use Permit CUP 05-31 and Special Use Permit SUP 06-01 based on the findings and subject to the conditions contained therein.

VOTE: 7-0

AYES: Chairperson Montgomery, Commissioners Baker, Cardoso, Dominguez, Heineman, Segall, and Whitton

NOES: None

MOTION

ACTION: Motion by Commissioner Whitton and duly seconded, that the Planning Commission amend the previous motion to prohibit the sale of alcohol beverages at the gas station convenience store.

VOTE: 3-4

AYES: Chairperson Montgomery, Commissioners Segall and Whitton

NOES: Commissioners Baker, Cardoso, Dominguez and Heineman

Commissioner Segall asked if the minority view could be passed along to the Police Chief so in his deliberation he understood the concern of the Planning Commission.

Chairperson Montgomery asked Mr. Neu if the Police Chief had the ability to review what had taken place at the Planning Commission meeting.

Mr. Neu stated he would forward the minutes to the police department.

Ms. Mobaldi stated that state law sets forth the criteria the police chief uses when reviewing the requests for license such as concentration, criminal activity in the area, proximity to schools, etc. so a general opposition to alcohol and vehicles may not be acceptable.

RECESS

Chairperson Montgomery closed the public hearing on Item 3 and recessed the meeting for a ten minute break at 7:46 p.m.

MEETING CALLED TO ORDER

Chairperson Montgomery reconvened the meeting at 7:55 p.m. and asked Mr. Neu to introduce the next item.

4. CUP 05-28/SUP 05-14 - BRESSI RANCH SELF-STORAGE FACILITY Request for a Conditional Use Permit and Scenic Corridor Special Use Permit to allow development of a self-storage facility on a site located on the southeast corner of El Camino Real and Palomar Airport Road and within Local Facilities Management Zone 17.

Mr. Neu introduced Agenda Item 4 and stated Assistant Planner Pam Drew would make the staff presentation.

Ms. Drew gave the staff presentation and stated she would be available to answer any questions.

Chairperson Montgomery asked if there were any questions of staff.

Commissioner Baker thanked Ms. Drew for conducting research on the sign ordinance and asked her to interpret what the ordinance essentially meant. Ms. Drew stated the applicant was allowed one 50-square-foot sign on each of the two buildings, Building A and Building B, facing El Camino Real and facing Palomar Airport Road. Ms. Drew explained Building A was the 3-story building in the center and Building B wrapped around the perimeter. Ms. Baker asked if because there were 2 separate buildings if

there would be two separate signs. Ms. Drew replied yes each building would be allowed to have one 50-square-foot wall sign.

Commissioner Dominguez asked where the Bressi Ranch monument sign would be located. Ms. Drew stated it was a separate application with the Bressi Ranch developers and explained that there was a preliminary application currently being reviewed by the planner on the master plan but it was nothing that the applicant had any control over along with the 50-foot landscaped area.

Commissioner Segall referenced the additional access on Gateway Road and asked how to determine the main entrance on Innovation Way. Mr. Wojcik stated Innovation Way will be fully signalized and Gateway Road will be right in, right out.

Chairperson Montgomery referenced the Bressi Ranch master plan and stated he was personally concerned with the corner of Palomar Airport Road and El Camino Real and would like to see possibly a Bressi Ranch monument sign, water features, or an enhanced quality monument sign. Chairperson Montgomery asked if the applicant could determine what was to be planted on this corner. Ms. Drew stated the 50-foot landscaped area comes from the Bressi Ranch master plan which had already been approved with the master plan and was in the process of working on this area for the landscaping and the monument sign at the same time. Chairperson Montgomery stated the landscape plan was not available for the Planning Commission to approve when the master plan was approved and was left to the discretion of the Planning Director. He did not feel the intersection was up to par for Bressi Ranch.

Commissioner Cardsoa stated the palms in the master plan which are not shown in the picture will look pretty nice on the corner and felt the corner was a perfect spot for a water feature.

Commissioner Baker stated this is a major intersection in the City of Carlsbad and preferred not to see unattractive signs displayed and felt a balance would need to be attained where the applicant can advertise but not display unattractive signs.

Ms. Mobaldi stated the Planning Commission was not bound by a sign ordinance because of the conditional use permit and can alter the requirements as the Planning Commission sees fit. Ms. Mobaldi explained that although the comments would be noted, they could not look at the landscaping for the Bressi Ranch project.

Chairperson Montgomery asked the Commissioners to speak about the signage.

Commissioner Segall asked Commissioner Baker to restate her concerns.

Commissioner Baker stated she did not want to see an unattractive sign along El Camino Real and felt the Planning Commission needed to take particular care on what they would allow along Palomar Airport Road and El Camino Real.

Chairperson Montgomery stated he felt the signage should not be allowed on the portion of Building B which faced the intersection.

Commissioner Segall stated he concurred and suggested the applicant have an opportunity to show where he was thinking of placing the signs and to respond to what the Planning Commission was thinking and then the Planning Commission can condition accordingly.

Chairperson Montgomery asked if the applicant would like to make a presentation.

Eric Munoz, 5900 Pasteur Court, Suite 150, Carlsbad thanked the Planning Commission and staff and gave his presentation.

Chairperson Montgomery asked if there were any questions of the applicant.

Commissioner Heineman asked if the fire department was okay with the project having only one entrance. The applicant replied yes.

Commissioner Baker asked if the applicant would be willing to have the monument sign be the same architecture as the building and stated she would not want to see a neon glaring sign which she felt would be unattractive. The applicant replied yes.

Commissioner Baker asked the applicant to explain his position on the building signs. The applicant explained there would be no building sign on the face of Building B which faced the intersection and pointed to 2 potential 25-foot sign locations. For Building A, he stated there would be a sign over the entrance but the allowance for the other sign was not yet decided.

Commissioner Baker asked if the sign would include a Bressi Ranch logo. The applicant replied he thought the sign would be devoid of the Bressi Ranch logo as this was a Strategic Storage site. Commissioner Baker asked if the storage site has a logo. The applicant stated that question was a marketing question and was under development.

Commissioner Baker stated this was a key issue to approving the building and stated the applicant created an attractive design and did not want it ruined by unattractive signs. The applicant stated they were willing to discuss the quality of the sign but do not support a reduction in what the sign ordinance allows.

Chairperson Montgomery stated signage should not be placed on Building A facing the intersection. The applicant concurred.

Commissioner Segall stated he felt it would be overkill and would look unattractive to have signage on Building A and Building B on the north side. Commissioner Segall asked the applicant to explain where they were thinking of putting the signs.

The applicant stated the zoning ordinance would prevent a proliferation of signs and showed where a wall sign would be placed on Building A and potentially be placed on Building B.

Commissioner Segall asked the applicant what specifically he was considering for the north side since it appeared there would be a sign on Building A and Building B. The applicant stated they would be willing to restrict the signage on Building A to one 50-square-foot wall sign and keep the sign focused over the entrance with no other signage on Building A.

Commissioner Baker asked if the glass on Building B was transparent and if the contents inside could be viewed from the outside if a light was turned on inside.

Ariel Valli, 8100 Columbia, Aliso Viejo, stated the glass was not translucent and nothing inside would be visible from the outside.

Commissioner Whitton stated he felt a 50-square-foot sign on Building A was a bit exorbitant even though the code allowed it.

The applicant stated the location was out of view and the ordinance did allow it and felt they had been appropriately limited on this sign location and would like to retain the 50-square foot sign.

Commissioner Whitton asked if a 50-square-foot sign would be placed over the entrance facing the cul-de-sac. The applicant replied, yes. Commissioner Whitton stated he felt a 50-square-foot sign was overkill.

Ms. Mobaldi stated the Planning Commission can change the size of the signs since this was a conditional use permit.

Commissioner Segall asked if there would be a monument sign in the front. The applicant explained the proposed monument sign would be a minimum of 200 feet from the curb return closest to the intersection and stated there was an allowance to put a monument sign either at the entrance or at a designated strategic location and there would be no monument sign at Campbell Road.

Chairperson Montgomery opened public testimony and asked if there were any members of the audience who wished to speak on Item 4; seeing none, he closed public testimony.

Chairperson Montgomery asked if there were any other questions of staff.

Commissioner Dominguez asked staff to restate the previous discussion and the concessions just made by the applicant.

Ms. Drew showed where there would not be a sign on Building A, where there would be a 25-square-foot monument sign, where there would be two 25-square-foot wall signs, and up to a 50-square-foot maximum wall sign on Building A at the entrance.

Ms. Mobaldi asked the applicant if he proposed limiting the monument sign to 25 square feet. The applicant replied no.

Mr. Neu stated the provision for the monument sign is 50 square feet and the Planning Commission would need to adjust the sign size if they felt it inappropriate.

Chairperson Montgomery stated he felt a 50-square-foot sign would be oversized and asked if the signage included the monument itself. Mr. Neu replied it included the entire structure including the base and fixtures.

Commissioner Segall stated this was the first type of project in this area and asked if future projects would have monument signs as well. Commissioner Segall stated he would like to understand the vision for all of the buildings in this area before they decided on this monument sign.

Commissioner Cardoso stated if the sign was double faced, the size limit would be 25 square feet on each side.

Chairperson Montgomery asked Mr. Neu if there were several monument signs up El Camino Real from Palomar Airport Road to Faraday and if the monument signs were located near the entrance. Mr. Neu replied there were several monument signs in place and stated the location for the signs was at the entrance or at a different strategic location however, this project was a little unique since the entrance was around the back way.

Commissioner Whitton stated he felt the project had adequate signage and did not see the need for a monument sign on Palomar Airport Road.

Commissioner Segall stated he was looking for consistency on what the Commission has already allowed on Palomar Airport Road and El Camino Real and stated he felt the monument sign should be placed closer to the entrance.

Commissioner Heineman stated he did not think the Planning Commission should be addressing every sign placed along Palomar Airport Road. Mr. Neu stated the signs were approved by staff administratively by checking the sign ordinance and stated they do have projects that they condition to do a sign program which is typically multiple tenants. For the most part, the sign ordinance was relatively new and the tolerances were reduced from what they had been in the past. Mr. Neu stated so far the experience had been positive where the sign areas had not been excessive, most of the monuments signs had been reasonable. Mr. Neu suggested that since there was so much concern about the location of the monument sign, staff would like some direction as to the parameters and if there were specific items the Planning Commission found inappropriate, to place them in the conditional use permit to guide staff in working with the applicant on the final signage. Mr. Neu stated it may be good for the Planning Commission to state the areas they felt were inappropriate and the type of sign and then leave the parameters general beyond that to provide some flexibility.

Commissioner Dominguez stated he hoped what we do with this sign will set precedence. He would like to limit the size of the monument sign but leave some flexibility for the future. Commissioner Dominguez felt a 50-square-foot sign was not overkill and would look compatible with the project entry. Commissioner Dominguez stated he had hesitation with starting the implementation of monument signs along the corridor and would like the Planning Commission to take a comprehensive look at that approach.

Commissioner Cardoso concurred with Commissioner Dominguez and would like the Planning Director to have the flexibility to control the elements of the sign.

Commissioner Baker stated she agreed with not having signage on the corner of the buildings and felt undecided about the monument sign and the possibility of future signs stacked up down the road.

Mr. Wojcik showed an example of a 25-square-foot sign and a 50-square-foot sign.

Mr. Neu clarified if the monument sign had 2 sides only one side would be measured for the total square footage.

Mr. Dominguez asked if the sign was double exposure, could the sign have 50 square feet on each side. Mr. Neu replied yes.

Bill Hoffman, Hoffman Planning Associates, 5900 Pasteur Court, Carlsbad, stated he represented several of the owners developing projects along Palomar Airport Road in Bressi Ranch and explained this project was a commercial use which would draw people into the center where the other developments were office complexes and wanted their monument sign at their entry to identify their center. Mr. Hoffman stated they would be willing to enter into very close scrutiny by the staff to make sure the monument sign materials and lettering would be well designed and stated how important the sign on Palomar Airport Road was to the site.

Commissioner Segall asked Mr. Hoffman why the sign was not placed near Innovation Way since it would be closer to the entrance. Mr. Hoffman replied they may put the sign in that area but no closer to the intersection than 200 feet.

MOTION

ACTION: Motion by Commissioner Baker and duly seconded, that the Planning commission ADOPT Planning Commission Resolutions No 6134 and 6135 APPROVING CUP 05-28 and SUP 05-14 based upon the findings and subject to the conditions contained therein.

VOTE: 7-0

AYES: Chairperson Montgomery, Commissioners Baker, Cardoso, Dominguez, Heineman, Segall, and Whitton

NOES: None

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, that the Planning commission amend the motion with the condition that prior to issuance of any sign permit for the project, the Developer shall comply with the Bressi Ranch Sign Program and the City of Carlsbad's Sign Ordinance Chapter 21.41 except as follows:

Signage for the project shall be limited to one monument sign located along the property's Palomar Airport Road frontage, but shall not be located to the west any closer than 200 feet from the intersection of Palomar Airport Road and El Camino Real as measured from the curb return and no further to the east than to the Developer's property line. The monument sign must remain on the Developer's property and cannot be located off-site or on El Camino Real. The monument sign shall be limited to 25 square feet of area per face inclusive of the base. The monument sign shall have compatible material with the architectural material of the buildings. Wall signage for Building B shall be limited to a total of two 25-square-foot maximum signs with one facing Palomar Airport Road and one facing El Camino Real. No signage is permitted on Buildings A and B on the elevations that face the intersection of Palomar Airport Road and El Camino Real (northwest). Wall signage shall be limited to one 50-square-foot maximum sign located on Building A, facing the entrance to the self-storage facility (southeast) off of Campbell Place. The Developer is allowed to have three directional signs

located on the property and at the driveway entrance. Each sign shall be a maximum of six square feet, four feet above average grade with six-inch letters as allowed per Chapter 21.41 of the City of Carlsbad's Sign Ordinance. All signage for the project must be approved by the Planning Director.

VOTE: 7-0

AYES: Chairperson Montgomery, Commissioners Whitton, Segall, Heineman, Dominguez, Cardosa and Baker

NOES: None

DISCUSSION

Chairperson Montgomery asked Mr. Neu what actions could be taken by the Planning Commission now or in the near future to address the Bressi Ranch landscape plan.

Mr. Neu replied the landscape plans had been approved for the subdivision and explained the master plan tied the Bressi Ranch identification signs to a requirement to do a sign program which is reviewed and approved by staff. At this point, if they chose not to have business park signage for the Bressi Ranch park, the landscaping which has already been approved, would be installed. The carrot for them is the need to identify the whole center with a common sign.

Chairperson Montgomery asked what they could do as a commission if they feel the landscaping plans which were approved by the Planning Director were not adequate and needed to be upgraded. Mr. Neu stated a concept plan should have been provided with the subdivision package for the landscaped area and when the tentative map was approved was when the concept plan was approved and the construction documents were based on that. Mr. Neu stated the only way would be to amend the master plan and come back to have Planning Commission get some sort of approval authority over the improvements of the intersection.

Chairperson Montgomery stated it would be ideal if staff agreed to do some upgraded landscaping. Mr. Neu stated if the Planning Commission wanted to make sure this happened, something would need to be forwarded to the Council to have them initiate an amendment to the master plan.

Ms. Mobaldi stated that although they were discussing the improved landscaping, the people who were responsible for installing a water feature were not present and stated if the Planning Commission would like to delve into the subject, they would need to notice it, revisit it at Planning Commission and then decide whether they would take it to a Council workshop and see if the Council would be in favor of a City initiated master plan amendment.

Chairperson Montgomery asked if the Planning Commission felt this corner should be upgraded and would be agreeable to at least discussing the landscaping and then forwarding it on to Council.

Commissioner Baker stated she would like to review the Bressi Ranch documents to see if what they approved was adequate before she made a decision. Commissioner Baker stated they were always welcome at Council workshops. Chairperson Montgomery stated in order to bring an item to a Council workshop; they must have a majority opinion from the Planning Commission.

Commissioner Whitton stated he would like to revisit the issue but felt they should close out the existing project they were addressing first.

Commissioner Segall asked Mr. Hoffman if he was okay with the amendment as it was made.

Mr. Hoffman replied yes and that he would like to add the internal onsite directional signs as part of the sign ordinance.

Commissioner Segall commended the applicant on a unique and perfect project for the location.

Commissioner Dominguez concurred with Commissioner Segall and stated the design was award winning and the City should consider submitting the project for a national award.

Chairperson Montgomery thanked the applicant and closed the Public Hearing on Item 4.

PLANNING COMMISSION COMMENTS

Commissioner Whitton stated it was appropriate to determine how the Planning Commission would approach the perimeter area with regard to the monument sign.

Commissioner Dominguez stated the Planning Commission should review what was currently approved as it may be adequate.

Chairperson Montgomery stated he recalled reviewing the Bressi Ranch plans for the intersection and they were not detailed.

Commissioner Baker stated she would not be present at the August 2 meeting but would like to say goodbye to Bob Wojcik and that he will be missed.

Commissioner Whitton stated they will all miss Mr. Wojcik.

MOTION

ACTION:	Motion by Commissioner Dominguez and duly seconded, that the Planning commission consider the Bressi Ranch landscape plan as an Agenda Item on a date uncertain.
VOTE:	7-0
AYES:	Chairperson Montgomery, Commissioners Baker, Cardosa, Dominguez, Heineman, Segall, and Whitton
NOES:	None

PLANNING DIRECTOR COMMENTS

None.

CITY ATTORNEY COMMENTS

Ms. Mobaldi explained the Citizens' Committee was recommending that the Council had its own amended ballot measure which would leave the approximately 45-acre parcel that SDG&E owns, where the strawberry fields are currently located, designated TR and would allow public and private, active and passive recreational uses on the rest which would be zoned open space; in addition, they recommended approval to spend in excess of a million dollars on trails and dropping the reference to the civic center. The public utility will be rezoned to open space but realistically if the utility needs to have a public utility use, it will be preempted by the state law anyway.

Commissioner Segall stated it would be presented to Council on July 24, 2006, but would not vote on it until August 1, 2006, and so no action would be taken on July 24, 2006.

Chairperson Montgomery stated the next step was to make sure the citizens understand what was out there.

Ms. Mobaldi stated the City Council members can comment in opposition or support of whatever issues were out there but they cannot spend money in supporting or opposing an initiative.

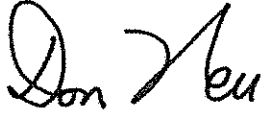
Commissioner Segall stated they can spend money to educate the public. Ms. Mobaldi replied yes.

Commissioner Segall stated the Chamber would be taking an active role to educate the public so if anyone would like to be involved, it would be a key vehicle.

ADJOURNMENT

MOTION

By proper motion, the regular meeting of the Planning Commission of July 19, 2006, was adjourned at 9:15 p.m.

A handwritten signature in black ink, appearing to read "Don Neu". The signature is stylized with a large, looped "D" and a cursive "Neu".

DON NEU
Assistant Planning Director

Barbara Safarik
Minutes Clerk